

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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INDIANAPOLIS, INDIANA 46204-2764

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IN THE MATTER OF THE PETITION OF)
WABASH VALLEY POWER ASSOCIATION,)
INC., FOR THE ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO PURCHASE, OWN,)
AND CONSTRUCT GENERATING)
FACILITIES AT SOLID WASTE DISPOSAL)
FACILITIES.)

CAUSE NO. 42321

FILED

FEB 03 2003

INDIANA UTILITY
REGULATORY COMMISSION

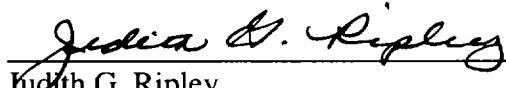
You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") makes the following entry in this Cause:

On January 14, 2003, pursuant to Indiana Code 8-1-2-29, Indiana Code 5-14-3, and 170 IAC 1-1.1-4, Wabash Valley Power Association, Inc. ("Petitioner") filed its *Application for the Commission to Find that Certain Information Filed in this Cause as Confidential* ("Motion"). The Motion seeks a determination to treat as confidential certain exhibits to be submitted to the Commission in support of the underlying Petition filed in this Cause requesting the issuance of a certificate of public convenience and necessity to purchase, own, and construct generating facilities at solid waste disposal facilities. Included with and in support of the Motion was the sworn *Affidavit of Kari D. Wetter* ("Affidavit"). Kari D. Wetter is Petitioner's Manager of Planning and Finance. The Affidavit has been placed in the Commission's official file in this matter and is hereby incorporated by reference.

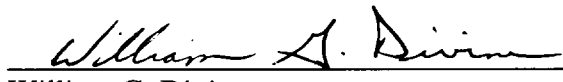
The Affidavit gives general descriptions of the content of five (5) exhibits identified as Exhibit Nos. KDW-1, KDW-2, KDW-3, KDW-4, and KDW-5, four (4) of which are further described as constituting trade secrets of Petitioner. Exhibit No. KDW-4 is generally described as a compilation of bids from other entities for baseload power sales and is said to be the subject of nondisclosure agreements between Petitioner and the bidders. While honoring private nondisclosure agreements is not an exception to disclosure available to the Commission as a public agency under Indiana Code 5-14-3-4, it can be inferred from the Affidavit that the sources of the information contained in Exhibit No. KDW-4 would consider the information trade secrets and, therefore, will be included in this preliminary finding of confidentiality.

The Presiding Officers, having considered Petitioner's Motion and accompanying Affidavit, find there is sufficient basis for a preliminary determination to handle and maintain Petitioner's Exhibit Nos. KDW-1, KDW-2, KDW-3, KDW-4 and KDW-5 in a confidential manner. Accordingly, Petitioner shall hand deliver to the Presiding Administrative Law Judge, in a sealed envelope that is clearly marked confidential and with the Cause No. noted thereon, its Exhibit Nos. KDW-1, KDW-2, KDW-3, KDW-4 and KDW-5, which shall be treated as confidential and excepted from public disclosure in accordance with Indiana Code 5-14-3.

IT IS SO ORDERED.



Judith G. Ripley
Commissioner



William G. Divine
Administrative Law Judge

Date: 2/3/03



Nancy E. Manley
Secretary to the Commission